

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

This matter is before the Court on defendant's request for certificate of appealability (Filing No. 11). Defendant wishes to appeal from this Court's memorandum opinion and order (Filing Nos. 8 and 9) denying his § 2255 motion and granting the government's motion to dismiss.

Title 28, U.S.C. § 2253, requires that the Court find defendant has made a substantial showing of denial of a constitutional right. After a further review of defendant's motion, the Court finds defendant has failed to make such a showing, and his request for certificate of appealability will be denied. Accordingly,

IT IS ORDERED that defendant's request for certificate of appealability is denied.

DATED this 15<sup>th</sup> day of March, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, District Judge  
United States District Court